

F. Christopher Austin
Nevada Bar No. 6559
caustin@weidemiller.com
WEIDE & MILLER, LTD.
10655 Park Run Drive, Suite 100
Las Vegas, Nevada 89144
Tel. (702) 382-4804
Fax (702) 382-4805

Kerry S. Culpepper
Hawaii Bar No. 9837
kculpepper@culpepperip.com
CULPEPPER IP, LLC
75-170 Hualalai Road, Suite B204
Kailua-Kona, Hawai'i 96740
Telephone: (808) 464-4047
Facsimile: (202) 204-5181
Admitted *pro hac vice*

Attorneys for Defendants

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

HURRICANE ELECTRIC LLC,

Plaintiffs,

v.

MILLENNIUM FUNDING, INC., et al.

Defendants.

Case No.: 2:20-cv-01034-JCM-DJA

**STIPULATION TO EXTEND
DEFENDANTS' DEADLINE TO ANSWER
AND/OR RESPOND TO COMPLAINT
(FIRST REQUEST)**

Whereas, HURRICANE ELECTRIC, LLC ("Plaintiff"), through its counsel Neil D. Greenstein and Joshua M. Dickey, and MILLENNIUM FUNDING, INC.; BODYGUARD PRODUCTIONS, INC.; UN4 PRODUCTIONS, INC.; HOMEFRONT PRODUCTIONS, INC.; MILLENNIUM MEDIA, INC.; CRIMINAL PRODUCTIONS, INC.; CLEAR SKIES NEVADA, LLC; HUNTER KILLER PRODUCTIONS, INC.; LHF PRODUCTIONS, INC.; RAMBO V PRODUCTIONS, INC.; FALLEN PRODUCTIONS, INC.; WICKED NEVADA, LLC; 211 PRODUCTIONS, INC.; FATHERS & DAUGHTERS NEVADA, LLC; VOLTAGE DEVELOPMENT NCCF, LLC; HB PRODUCTIONS, INC.; STATUS UPDATE, LLC; STOIC

1 PRODUCTIONS, INC.; COBBLER NEVADA, LLC; SURVIVOR PRODUCTIONS, INC.;
2 TREVOR SHORT; and AVI LERNER (“Defendants”), through their counsel Kerry S. Culpepper
3 and F. Christopher Austin, have agreed that Defendants may have an approximate 30 day extension
4 to file their Answers and/or Responsive Motions to the Complaint. Counsel for the Defendants also
5 agreed to allow Plaintiff a similar extension should that be needed to respond to any counterclaims.
6 Plaintiff and the Defendants are referred to collectively as “Parties”.

7 Whereas, the Defendants executed waivers of service having different dates (between June
8 22, 2020 and July 14, 2020). Accordingly, for clarity and consistency, the Parties agree to extend
9 all of the Defendants’ deadlines to file their Answers and/or Responsive Motions to October 2, 2020.

10 Whereas, counsel for the Parties have already engaged in settlement discussions and
11 engaged the services of a private mediator for a preliminary mediation session which was conducted
12 on July 30, 2020.

13 Whereas, the Parties made progress in resolving some of the issues concerning this civil
14 action, and a co-pending action in the U.S. District Court for the Northern District of California,
15 during that preliminary private mediation.

16 Whereas, the Parties would like to continue their settlement discussions at an early date with
17 the assistance of a U.S. Magistrate Judge in the co-pending action in the U.S. District Court for the
18 Northern District of California.

19 Whereas, Plaintiff, Defendant Avi Lerner and affiliates of Defendants are requesting an
20 early settlement conference in the co-pending action *Hurricane Electric, LLC v. Dallas Buyers*
21 *Club, LLC, et al.*, 3:20-cv-3813 pending in the US District Court for the Northern District of
22 California. A settlement in the Northern District of California action is anticipated to resolve all
23 issues in the present action.

24 Whereas, the Parties believe their efforts would be most efficiently spent in settlement
25 discussions with a Magistrate Judge without distraction of anticipated motion practice relating to
26 the pleadings.

27 Whereas, there have been no previous extensions to time to respond to the complaint in this
28 action.

IT IS HEREBY STIPULATED AND AGREED by the Parties that:

1. The deadline for all Defendants in this action to file their Answers and/or Responsive Motions to the Complaint shall be extended to October 2, 2020;
2. The deadline for the conference required by Fed. R. Civ. P. 26(f) set by LR 26-1 shall be thirty (30) days after the deadline for filing the Answers and/or Responsive Motions, namely, November 2, 2020 [November 1, 2020 being a Sunday]; and
3. The discovery plan and scheduling order shall be submitted in accordance with Local Rule 26-1.

Dated this 10th day of August, 2020.

Dated this 10th day of August, 2020.

WEIDE & MILLER, LTD.

BAILEY ♦ KENNEDY

By: /s/ F. Christopher Austin
F. CHRISTOPHER AUSTIN
10655 Park Run Drive, Suite 100
Las Vegas, Nevada 89144

By: /s/ Joshua M. Dickey
JOSHUA M. DICKEY
8984 Spanish Ridge Avenue
Las Vegas, Nevada 89148-1302

In Association With:

In Association With:

KERRY S. CULPEPPER
(ADMITTED PRO HAC VICE)
CULPEPPER IP, LLLC
75-170 Hualalai Road, Suite B204
Kailua Kona, HI 96740

NEIL D. GREENSTEIN
(ADMITTED PRO HAC VICE)
TECHMARK
1751 Pinnacle Drive, Suite 1000
Tysons, Virginia 22102

Attorneys for Defendants

Attorneys for Plaintiff
Hurricane Electric LLC

IT IS SO ORDERED.



Daniel J. Albregts
United States Magistrate Judge

DATED: August 11, 2020